

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

CIVIL CASE NO. 1:10cv185

GEORGE JOHNSON,)
Plaintiff,)
vs.) ORDER
MICHAEL J. ASTRUE,)
COMMISSIONER OF SOCIAL)
SECURITY,)
Defendant.)

THIS MATTER is before the Court on the Defendant's Consent

Motion for Remand Pursuant to Sentence Six of 42 U.S.C. § 405(g) [Doc. 3].

The Defendant, Michael Astrue, Commissioner of Social Security, moves this Court, pursuant to sentence six of 42 U.S.C. § 405(g), to enter a judgment remanding the cause for further administrative proceedings.

Upon careful review of the Defendant's Motion, and for good cause shown, **IT IS, THEREFORE, ORDERED** that the Defendant's Consent Motion for Remand Pursuant to Sentence Six of 42 U.S.C. § 405(g) [Doc. No. 113] is granted.

3] is **GRANTED**. Pursuant to the power of this Court to enter a judgment remanding in Social Security actions under sentence six of 42 U.S.C. § 405(g), this Court hereby **REMANDS** this cause to the Commissioner for further proceedings. See Melkonyan v. Sullivan, 501 U.S. 89, 111 S.Ct. 2157, 115 L.Ed.2d 78 (1991). On remand, the Commissioner will expedite the assignment of this matter to an Administrative Law Judge (“ALJ”) who will:

1. Conduct a new hearing;
2. Issue a new decision;
3. All on an expedited basis, in view of the fact that the recording of the August 3, 2006 hearing has been lost.

IT IS SO ORDERED.

Signed: November 20, 2010



Martin Reidinger
United States District Judge

